

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

CIVIL ACTION NO. 5:19-cv-00633

PLATEAU BROADCASTING, INC.

Defendant.

COMPLAINT

Now comes the United States of America ("Plaintiff"), by and through its attorneys, Michael B. Stuart, United States Attorney for the Southern District of West Virginia, and Christopher R. Arthur, Assistant United States Attorney for the Southern District of West Virginia, and for its cause of action alleges:

1. This Court has jurisdiction pursuant to 28 U.S.C. § 1345.
2. This Court is the appropriate venue for this action pursuant to 28 U.S.C. § 1391(b) because Defendant Plateau Broadcasting, Inc. ("Defendant") is a West Virginia corporation with its principal place of business in Raleigh County, Beckley, West Virginia which is located in the Southern District of West Virginia.

3. The Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., Washington, D.C. 20554 ("FCC") assessed a regulatory fee in the amount of \$3,000.00 in 2015 upon the Defendant as authorized by 47 U.S.C. § 158 and 47 U.S.C. § 301.

4. Defendant failed to pay the 2015 regulatory fee.

5. On or about October 22, 2015, the FCC mailed to Defendant an invoice demanding the payment of the \$3,000.00 regulatory fee and an additional \$842.35 for interest and penalties as authorized by 31 U.S.C. 3717(e) and 3711(g)(6).

6. Due to Defendant's failure to pay, the FCC referred to the United States Treasury Department ("Treasury") for collection.

7. The attached FCC's Certificate of Indebtedness reflects that Defendant owed as of May 2019 the following:

Principal:	\$3,000.00
Interest (@ 1.0%)	\$ 109.41
Penalty (@ 6.0%)	\$1,406.66
Treasury and DOJ fees:	<u>\$1,443.28</u>
Total:	\$5,959.35

The Certificate of Indebtedness is attached hereto as Exhibit A.

8. The Certificate of Indebtedness included \$1,443.28 for Treasury fees as authorized by 31 U.S.C. § 3717 and DOJ fees as authorized by 28 U.S.C. § 527 and 31 U.S.C. § 3711(g)(6).

9. Defendant has not paid the amount owed, nor responded to requests for payment.

WHEREFORE, the United States demands judgment against Defendant as follows:

- a. The principal sum of \$3,000.00 as permitted pursuant to 47 U.S.C. § 301, et al;
- b. Accrued interest as of August 12, 2019, of \$248.82;
- c. Interest accruing after August 12, 2019, at the rate of \$0.09 per day;
- d. Accrued penalty as of August 12, 2019, of \$2,243.12;
- e. Penalty accruing after August 12, 2019, at the rate of \$0.54 per day;
- f. Treasury and Department of Justice fees as permitted pursuant to 31 U.S.C. §§ 3717(e) and 3711(g)(6), and 28 U.S.C. § 527; and for all further relief to which Plaintiff is entitled.

Plaintiff further prays for its costs and for an award of post-judgment interest at the highest rate allowable by law, and for all further just and proper relief permitted by law.

Respectfully submitted,

MICHAEL B. STUART  
United States Attorney

By: /s/Christopher R. Arthur  
CHRISTOPHER R. ARTHUR  
Assistant United States Attorney  
WV State Bar No. 9192  
300 Virginia Street, East  
Room 4000  
Charleston, WV 25301  
Telephone: 304-345-2200



DEPARTMENT OF THE TREASURY  
BUREAU OF THE FISCAL SERVICE  
WASHINGTON, DC 20227

ACTING ON BEHALF OF  
U.S. FEDERAL COMMUNICATIONS COMMISSION  
CERTIFICATE OF INDEBTEDNESS

Debtor Name(s) and

Address (es):

Plateau Broadcasting, Inc.  
306 South Kanawha Street  
Beckley, WV 25801

Total debt due United States as of May 15, 2019:

Principal: \$3,000.00

Interest (@1.0%): \$ 109.41

Penalty (@6.0%): \$1,406.66

Treasury & DOJ fees: \$1,443.28

(pursuant to 31 U.S.C. 3717(e) and 3711(g)(6), and 28 U.S.C. 527 Note)

TOTAL: \$5,959.35

I certify that the U. S. Federal Communications Commission (FCC) records show that the debtor named above is indebted to the United States in the amount stated above.

The claim arose in connection with the debtor's September 2015 failure to pay \$3,000 in Section-9 regulatory fees owed to the U.S. Federal Communications Commission, pursuant to obligations established by the Communications Act, 47 U.S.C. 301 et seq..

**CERTIFICATION:** Pursuant to 28 USC ss. 1746, I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief based upon information provided by the U. S. Federal Communications Commission.

Date: 5/15/2019

Regina Crisafulli  
Financial Program Specialist  
U.S. Department of the Treasury  
Bureau of the Fiscal Service

GOVERNMENT  
EXHIBIT

UNITED STATES DISTRICT COURT  
for the  
Southern District of West Virginia

United States of America	)
	)
	)
	)
<hr/>	)
<i>Plaintiff(s)</i>	)
v.	) Civil Action No. 5:19-cv-00633
	)
Plateau Broadcasting, Inc.	)
	)
	)
<hr/>	)
<i>Defendant(s)</i>	)

**SUMMONS IN A CIVIL ACTION**

To: (*Defendant's name and address*) Plateau Broadcasting, Inc.  
306 South Kanawha Street  
Beckley, WV 25801

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Christopher R. Arthur  
Assistant United States Attorney  
WV State Bar No. 9192  
300 Virginia Street, East  
Charleston, WV 25301  
(304) 345-2200

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*CLERK OF COURT*

Date: \_\_\_\_\_

*Signature of Clerk or Deputy Clerk*

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 5:19-cv-00633

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_,  
a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

United States of America

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)(c) Attorneys (Firm Name, Address, and Telephone Number)  
Christopher R. Arthur, Assistant United States Attorney  
300 Virginia Street, East, Room 4000  
Charleston, WV 25301, 304-345-2200**DEFENDANTS**

Plateau Broadcasting, Inc.

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)  
(For Diversity Cases Only)

Citizen of This State	PTF	DEF	PTF	DEF
	<input type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4 <input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input checked="" type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
				<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions

**V. ORIGIN** (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
47 U.S.C. Sec. 301; 31 U.S.C. Sec.3717**VI. CAUSE OF ACTION**Brief description of cause:  
failure to pay regulatory fees

**VII. REQUESTED IN COMPLAINT:**  CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.      **DEMAND \$**      CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  Yes  No

**VIII. RELATED CASE(S) IF ANY** (See instructions):  
JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE 9/4/19 SIGNATURE OF ATTORNEY OF RECORD *Chris R. Arthur*

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_